

### **REMARKS**

The Non Final Office Action mailed April 3, 2009 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-14 are pending in this application. Claims 1, 4, 6-7, 12-13 have been amended. No new matter has been added by the amendments.

### **§112 REJECTIONS**

Claims 6 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 12 have been amended as shown above to specify the additional condition “and it is determined that the first audio component was received as a monaural audio component” as supported by the specification e.g., on page 4, lines 11-21 and FIG. 2. Withdrawal of the 112 rejection is respectfully requested.

### **§102 REJECTIONS**

Claims 1-14 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 86,813,281 to Moon et al. (hereinafter Moon). Applicant respectfully disagrees with the rejection.

Moon teaches a method for assigning a channel identification (ID) to a sub-audio data stream included in an audio data stream when each audio data stream is in a dual mode in an audio/video (A/V) stream. In particular, a method of assigning audio channel identification to audio data streams in an A/V data stream which includes two kinds of audio

data streams, each of which is in a dual mono mode is discussed in Moon. Moon also discloses a method of recording /reproducing a multi-voice audio signal as dual mono audio data.

However, Moon fails to disclose or suggest at least enabling recording of said first audio component as stereo audio components when only said first audio component is contained in said signal and it is determined that the first audio component was received as stereo left and right audio components, essentially as claimed in claims 1, 7 and 13. Moon only mentions that when multi voice audio signal is recorded, a multi voice signal (formed of main audio data and sub audio data) is encoded into dual mono audio data (CH0 audio data and CH1 audio data). Moon is silent with respect to determining whether a primary audio component was received as a stereo component.

Moreover, note that Moon does not at all involve or discuss enabling recording of a primary audio component as stereo audio components when **only** the primary audio component is contained in a signal. Moon's method of assigning audio channel IDs is provided because there is at least two kinds of audio streams being processed. Indeed, in Moon it is always assumed that a sub-audio data stream is included in an audio data stream, and thus, the situation where it is determined whether a signal only contains a primary audio component does not exist in Moon and would not be contemplated.

In view of all the above, it is clear that claims 1, 7 and 13 and their respective dependent claims 2-6, 8-12 and 14 are patentable and nonobvious over Moon for at least the above reasons. Withdrawal of the 102 rejection is respectfully requested.

Withdrawal of all the rejections and early and favorable reconsideration of the case is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Non Final Office Action of April 3, 2009 be withdrawn, that pending Claims 1-14 be allowed, and that the case proceed to early issuance of Letters patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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